

**COUNTY OF SAN DIEGO, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

**Subject**

Legislative Policy: Public Entity Tort Liability

**Policy  
Number**

M-27

**Page**

1 of 2

**Purpose**

To establish legislative policy guidelines to enhance the ability of the County's Sacramento Representative and Washington Representative to provide timely input to legislators concerning the County's interests regarding governmental public liability.

**Background**

In 1986, California's voters approved the Fair Responsibility Act of 1985 (Proposition 51) by a wide margin. This initiative, sponsored by a coalition of government entities (including the County Supervisors Association of California) and professional organizations and business groups -- the Proposition 51 Tort Reform Coalition - eliminated the application of joint and several liability with respect to "non-economic" damages in certain civil actions. The sponsoring groups presented this initiative as the first step toward resolving the liability crisis in California. They took this first step after several years of legislative effort had failed, court decisions had eroded public entity liability, immunities, and the cost of liability insurance had increased to such an extent that the public's access to some services was denied for lack of insurance coverage.

The County Supervisors Association of California and the National Association of Counties have consistently supported legislative efforts to lessen the exposure of public entities to public liability claims and expenditures.

**Policy**

It is the legislative policy of the County of San Diego with regard to public entity liability that it will:

1. Support changes to personal injury tort law, such as the proposed "Personal Injury Compensation Reform Act", which would cap pain and suffering awards, provide for periodic payment of damages awards, limit attorneys' contingency fees, and eliminate double recovery for economic losses.
2. Support restoration of immunity to state and local government agencies for damages arising from the condition of public improvements which were safe at the time they were designed and constructed.
3. Support efforts to restore public entity immunity from damagers occurring as a result of natural conditions on public property.

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**Page**

2 of 2

4. Support changes in law which would prohibit filing of claims by persons convicted of misdemeanors and felonies for injuries sustained during the conduct of illegal activity.

5. Support further changes in the legal principal of joint and "several liability" to protect, ensure and otherwise provide that the County will not be a 'deep pocket' liability target.

6. Encourage efforts to develop statutory provisions calling for the reimbursement of all public entity defense costs and expenditures incurred in the successful defense of lawsuits in order to discourage frivolous and spurious claims and lawsuits.

7. Oppose efforts to remove or weaken any statutory time limits as to the filing and serving of claims and lawsuits.

8. Oppose efforts to further open public entities to liability for punitive or exemplary damages.

Sunset Date

This policy will be reviewed for continuance by 12-31-96.

Reference

California Government Code (California Tort Claims Act of 1963)

Board Action

6-27-79 (9)

12-11-84 (34)

2-10-87 (75)

8-8-89 (34)

CAO Reference

1. County Counsel